

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
STATE HISTORIC PRESERVATION COUNCIL**

**Historic Preservation Council
October 7, 2016**

**Department of Economic and Community Development
One Constitution Plaza, 2nd Floor
Hartford, CT**

MINUTES

Present: Chair Nelson, Ms. Kane, Dr. Faber, Ms. Gilvarg, Ms. Maher (via phone), Dr. Jones (arrived at 9:51 am)

Absent: Dr. Harris, Dr. Woodward

Staff: Jenny Scofield, Mary Dunne, Doug Royalty, Cathy Labadia, Julie Carmelich

1. CALL TO ORDER

The meeting was called to order at 9:34 am

2. REVIEW OF PUBLIC COMMENT PROCEDURES

Chair Nelson read the public comment procedures.

3. CODE OF CONDUCT/CONFLICT OF INTEREST

Chair Nelson read the code of conduct and ethics statement. No conflicts of interest were reported.

4. REVIEW AND APPROVAL OF MINUTES

The approval of minutes were tabled for the next HPC meeting.

5. REPORT OF COMMITTEES

6. NOMINATIONS TO THE STATE REGISTER

A. Borough School, 36 Prospect Street, Stafford

Motion by Dr. Faber, seconded by Ms. Maher

State Register Nomination for the Borough School, 36 Prospect Street, Stafford, Connecticut

The Historic Preservation Council votes to list the Borough School, 36 Prospect Street in Stafford, on the State Register of Historic Places.

(Y-4; N-0; Abstain: Chair Nelson)

7. HISTORIC DISTRICT/PROPERTIES

8. PROGRAM REVIEW AND DEVELOPMENT

9. STATE HISTORIC PRESERVATION GRANTS

C. **Certified Local Government Grant**

1. **Town of Cheshire, boundary signage for South Brookvale LHD, Cheshire**

Motion by Ms. Gilvarg, seconded by Ms. Maher

The Historic Preservation Council votes to recommend the award of a Certified Local Government Historic Preservation Enhancement Grant, funded by the Historic Preservation Fund of the Department of the Interior, to the below-listed applicant in the amount shown.

All Grant guidelines and state requirements shall be met by the below-listed applicant upon receipt of a grant as administered by the Department and Economic Community Development. Staff recommends the application for funding.

Applicant: Town of Cheshire, CT

Project: Fabricate and installation of two signs identifying the South Brookvale Historic District

Amount: \$3,305.00

(Y-4; N-0; Abstain: Chair Nelson)

Dr. Jones arrived at 9:51 am.

F. **Partners in Preservation Grant**

1. **Bushnell Park Foundation, design development plan, Hartford**

Motion by Dr. Faber, seconded by Ms. Gilvarg

The Historic Preservation Council votes a Partners in Preservation Grant, funded by the Community Investment Act and administered by the Department of Economic and Community Development, to the below-listed applicant in the amount shown below.

All grant guidelines and state requirements shall be met by the below-listed applicant upon receipt of a grant administered by the Department of Economic and Community Development.

Staff recommends the application for funding.

**Applicant: Bushnell Park Foundation
Project: Pre-development design documents to support restoration and enhancements to Bushnell Park that take into consideration the historic significance and integrity of the Park.
Grant: \$20,000.00**

(Y-5; N-0; Abstain: Chair Nelson)

A motion was made by Ms. Kane, seconded by Ms. Gilvarg to amend the motion.

(Y-5; N-0; Abstain: Chair Nelson)

Motion by Ms. Maher, seconded by Ms. Kane

The Historic Preservation Council votes a Partners in Preservation Grant, funded by the Community Investment Act and administered by the Department of Economic and Community Development, to the below-listed applicant in the amount shown below.

All grant guidelines and state requirements shall be met by the below-listed applicant upon receipt of a grant administered by the Department of Economic and Community Development.

Staff recommends the application for funding.

**Applicant: Bushnell Park Foundation
Project: Pre-development design documents for pathways, lighting, benches, furnishings, planting and trash receptacles to support restoration and enhancements to Bushnell Park that take into consideration the historic significance and integrity of the Park.
Grant: \$20,000.00**

(Y-5; N-0; Abstain: Chair Nelson)

10. THREATENED PROPERTIES UPDATE

11. PRESERVATION RESTRICTIONS

12. ARCHAEOLOGICAL PRESERVES

13. REPORT ON MUSEUM PROPERTIES

Mary Dunne reported that Cathy Labadia attended an event at the Sloane Museum last Saturday. Since Dan Forrest's departure, Todd Levine has been working on the construction part of Old New Gate. Cathy Labadia is the point person going forward since there's a lot of archaeology going on at ONG. SHPO is trying to bring in the state's architect, David Barkin at DAS to help us manage the programs going on at ONG. We have an architect, Jack Glassman, who's the project manager for ONG. Cathy is setting up a meeting next week with Mr. Glassman.

14. REPORT ON STATE HISTORIC PRESERVATION OFFICE ACTIVITIES

Mary Dunne reported that HRF is still suspended for this year. Depending on the deposits SHPO has this year, we may have a round next October as scheduled or possibly a smaller round in the spring, with lower caps and less money to distribute.

However, SHPO has re opened the Survey & Planning Grant program; changing to a quarterly application round, so that we can assess the deposits as they come in on a quarterly basis to find out how much money we have to grant out and then evaluate all the applications received against that funding.

Chair Nelson requested an update on where we stand regarding the appointments of the five vacant positions in the Historic Preservation Council. Lu Rivera will follow-up with Kristina Newman-Scott upon her return.

SHPO continues to move forward trying to fill the position vacated by Laura Mancuso as a first priority. Exam has been posted and responses have been received. The next step is to post the position to those that responded to the exam. Best case scenario is that position will be refilled in two months; regular case scenario six months. We continue to push to fill Susan Chandler's position, Karin Peterson's position and another durational project manager for Sandy Project.

Kristina Newman-Scott has been appointed as SHPO. Mary Dunne and Cathy Labadia are the deputy SHPOs.

There also continues to be a plan to refill Dan's position which is envisioned as a deputy SHPO director and eventually a deputy director for the Arts. SHPO deputy director is the priority.

SHPO now has a Facebook and a Twitter account. Julie Carmelich is our social media coordinator.

We have two contractors under the Hurricane Sandy grant for about six months, creating and populating a very simple database that will list all our state register properties along the four coastal counties, as many as they can get done in 6 months. Eventually we will be able to augment this list and add other towns.

15. GENERAL DISCUSSION

16. LIAISON WITH PUBLIC AND PRIVATE AGENCIES

17. OLD BUSINESS

18. NEW BUSINESS

1. New Deputy SHPO Catherine Labadia (previously discussed)
2. Gurski Farm, Brookfield (please see attached)

19. ADJOURNMENT

Motion was made by Ms. Gilvarg, seconded by Ms. Kane to adjourn the meeting.

The meeting adjourned at 11:06 am. The next Historic Preservation Council meeting is scheduled for November 4, 2015 at 9:30 am, One Constitution Plaza, Hartford, CT.

Respectfully submitted by:

Lourdes Rivera
Administrative Assistant

Gurski Farm

Todd Levine reported that Gurski Farm/Town of Brookfield received a grant from SHPO. The grant was for \$27,000 to fix up the farm. At that time, Julie Carmelich and Laura Mancuso managed the easement program.

Unfortunately, the town has neglected the advice of SHPO on how to treat the buildings and have since demolished buildings on the property.

In December 2014, Todd Levine and Laura Mancuso met with them to go over the site. At the time, they were told that they could only tear down the shed roof addition to the barn which partially had fallen in. They were given instructions on exactly how and what to do to preserve the buildings and in addition were given information on what other assistance SHPO could give them.

It is apparent, that they decided to ignore SHPO regulations. Laura Mancuso reached out to them a couple of more times but they did not respond. Sometime this summer they started to take down buildings, which is egregious in and of itself but SHPO has also found out they have been selling off the parts, basically they were salvaging materials for money. Everything that they have done has been against SHPO's preservation rules for the easement.

Julie Carmelich reports that Gurski Farm has two easements on the property; one started in 2010 and the other in 2011. The easement of 2011 was the result of the barn funding that SHPO gave them to repair their roof.

Julie stated that the Issues with the Gurski Farm started almost immediately. In 2012, she visited the property and detailed for them the resources available on the property and also provided them with issues she saw; unfortunately they were ignored. In 2013 a follow-up meeting was conducted with the first selectman. Mary Dunne and Laura Mancuso also attended this meeting. SHPO staff offered them the options available for technical assistance.

They eventually did apply for a grant to get structural assessment for building on the property – that took about a year and a half to do the work. Although SHPO was willing to give them the grant as soon as possible, they delayed in applying to undertake the work and to produce the documents which in our opinion at the time were unsatisfactory.

A document was finally produced and approved which SHPO hoped they could use it as a basis to prioritize the repairs they needed to undertake. In the meantime, they requested approval from SHPO to construct a dog park at the site; and a request to build some type of training school for underserved youth on the property. Both requests were denied. SHPO explained that they had to prioritize how they were going to fix the properties and stabilize the buildings before introducing new use to these properties. Unfortunately, they have never had a holistic approach to the preservation of this property or a strategy to reuse it in any substantive way.

The restriction is a guarantee that they will manage the properties in good working order for the life of the restriction. They signed and agreed to, took the money and that have failed in every account.

The easement is for 10 years and it expires in 2021.

Town of Brookfield/Gurski Farm met the terms of the grant since they fixed the room of the barn. It has been made very clearly to them on multiple occasions that the easement applies to the entire parcel.

The easement program is the most powerful preservation tool that the state has and SHPO needs to consider that in our next steps. SHPO does not want to set the wrong precedent. SHPO wants this handled the right way.

Attorney Alan Ponanski, stated that the right way is to established process. SHPO needs to be deliberate in the way it goes about this. It is also important that we give them the right to be heard. We also need to put together a comprehensive file that includes memos, letters, contract, easement, etc. On service the solution to our problem is the contract. The contract would provide what the remedies are. If they are in default, which clearly they are, there are steps for them to cure the default. There is also issue of notice. We have to notify them in writing.

Julie Carmelich stated that a concern was that if we don't issue some type of cease and decess or something of that kin we won't have anything to preserve. They are tearing down structures on the property, we can bring them in for the next meeting but who knows what will be left.

Attorney Ponanski thinks we can make that request to cease and decess, but it doesn't have any legal teeth. The basis of our relationship with the town is the grant.

Julie Carmelich reported that the grant period is up. That we are operating under a restriction.

Attorney Ponanski recommended that SHPO really needs to focus on the restriction, and/or the application and get all the documents together. It's not a simple matter to go out and put out an injunction – you have to show that you have processed the matter. What does the town have to say about this? We have to give them an opportunity to be heard because the way this is going it seems it's going to litigation and unless we do it the right way we are not going to be successful.

We can treat this as if it was a threatened building. We have a process that we have used for decades where we send an official letter stating the problem and requesting that they come in on a certain date to explain themselves.

Mary Dunne stated that the easement spells out remedies. One of the remedy is that we go to the property, fix what the problem is, and bill them.

Chair requested that a copy of the easement be printed so Attorney Alan can look at it before he left.

Gurski Farm is listed on the state register therefore it doesn't have the CEPA protection, so at this point it's a contract dispute.

Attorney Ponanski suggestion that after discussion, there would be a vote by the council that a letter be sent out asking Town of Brookfield/Gurski Farm to come to a meeting and explain themselves and that if they were not willing SHPO would have to take other actions.

Todd Levine reported that he had spoken to the local historic chair and she was going to do google shot of the building – before and after – to know what's been taken down.

Mary Dunne reported that a letter was sent last January from Dan to the first selectman and a letter was also sent Commissioner Smith.

Chair Nelson recommended that because of the transition of the first selectman within the town, the letter should show the history of the correspondence.

Attorney Ponanski agreed that the cover letter have exhibits so that everything you say its proved by the documents, with detail and provide both information that you want from them and solution you could give them. Perhaps at the end of the day we get our money back and we penalize them for a period of time. What do we want to happen? The town just wants out of this. But we have rights, and we have a deal.

Ms. Kane stated that she was deeply curious as to who knows – what does the public know? Inviting them to have a conversation with the council brings whatever symbolic influence that we can bear makes it public and shines a light on it. It seems the voters in the community should know about it and then they can make their own decision. At the end the council wants them to meet the standards of the easement.

Attorney Ponanski stated that we give them one more chance with a motion on the table that unless they work this out it will be referred to the AG to take legal action against the town.

Julie Carmelich commented that the irony is that they are a certified local government so they are required to take preservation into account with their planning and development.

Attorney Ponanskyi advised that we should try to avoid throwing out threats first before we try to work things out. But we have to go to litigation route there are a lot of penalties for them that we should make them aware. They are not only jeopardizing their standing with us, they may be jeopardizing their standing with DECD and possibly others because they appear on the face to be serious in default with this contract. But under the contract we need to give them an opportunity remedy this.

But to address your concern, we need to also state in the letter that if we see more activity we will have to refer this to the AG.

Chair Nelson requested that Julie and Todd will work on a letter with all the supporting documents and have letter reviewed by Attorney Ponanski before sending.

Julie Carmelich suggested that in the letter inviting them to next month's HPC meeting there should also be a sentence that SHPO will be monitoring the property meanwhile.

Attorney Ponanski advised that as a strategic position it might be helpful if we combine the efforts of the staff and the council. They also need to be told that they cannot sell any other materials. In addition, the council should authorize the chair to sign the letter along with KNS or Commissioner so that it has teeth.

Attorney Ponansky also stated that everything he's advising has to be vetted by the attorney general, his view might not agree with mine.

Ms. Kane recommend that when the staff speaks to the first selectmen, they should they give them heads up that this letter is coming.

Attorney Ponanski suggested SHPO to get the Trust involved in this; the more power the better. They have a legal staff, and when he walks into court he would love to have another signature in his petition, that has worked well in other work he's done.

Mr. McKay stated that the Trust gladly support the council and the commission on this matter.

A motion was made by Ms. Kane and approved by the Council to authorize Chair Nelson to sign this letter.

Attorney Ponanski stated that a motion could be presented at the meeting that the matter be referred to the AG's office.

Julie Carmelich expressed that if we are going to be setting precedent about how these issues are going to be resolved that don't adhere to what our restrictions do outline regarding what actions we can take, that is a concern.

Todd Levine recommended that as we go to this process we might consider changing the restriction language.

Recap:

- Staff will send a letter " stop – don't tear anything down – you're in default – advise them a letter will be coming from the Commissioner and the Council"
- Commissioner and the Council send their letter out (invite them to 11/4 meeting)
- Meeting in November – invite the groups including our supporters and members of the public
- Meantime staff can meet with other interested parties (advocates)